



General Assembly

Amendment

January Session, 2009

LCO No. 6956

HJ0011306956HDO

Offered by:

REP. SPALLONE, 36th Dist.

To: Subst. House Joint Resolution
No. 113

File No. 633

Cal. No. 423

***"RESOLUTION AMENDING THE STATE CONSTITUTION TO
ALLOW EARLY VOTING."***

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "That the following be proposed as an amendment to the
4 Constitution of the State, which, when approved and adopted in the
5 manner provided by the Constitution, shall, to all intents and
6 purposes, become a part thereof:

7 Section 1. Section 7 of article sixth of the Constitution is amended to
8 read as follows:

9 a. The general assembly may provide by law for voting by absentee
10 ballot, as defined by law, in the choice of any officer to be elected or
11 upon any question to be voted on at an election by qualified voters of
12 the state who are unable to appear at the polling place on the day of
13 election because of absence from the city or town of which they are

14 inhabitants, [or] because of sickness or physical disability or care-
15 taking duties, because the tenets of their religion forbid secular
16 activity, because of active service with the armed forces of the United
17 States or because of the required performance of duties as a primary,
18 election or referendum official at a polling place other than their own
19 during all of the hours of voting.

20 b. The general assembly may provide by law for voting in person on
21 a day or days prior to the day of an election in the choice of any officer
22 to be elected or upon any question to be voted on at an election by
23 qualified voters of the state.

24 Sec. 2. Section 4 of article fourth of the Constitution is amended to
25 read as follows:

26 [At the meetings of the electors in the respective towns held
27 quadrennially as herein provided for the election of state officers, the
28 presiding officers shall receive the votes and shall count and declare
29 the same in the presence of the electors.] The votes at the election of
30 state officers shall be counted and declared by the presiding officers.
31 The presiding officers shall make and certify duplicate lists of the
32 persons voted for, and of the number of votes for each. One list shall
33 be delivered within three days to the town clerk, and within ten days
34 after such meeting, the other shall be delivered under seal to the
35 secretary of the state. The votes so delivered shall be counted,
36 canvassed and declared by the treasurer, secretary, and comptroller,
37 within the month of November. The vote for treasurer shall be
38 counted, canvassed and declared by the secretary and comptroller
39 only; the vote for secretary shall be counted, canvassed and declared
40 by the treasurer and comptroller only; and the vote for comptroller
41 shall be counted, canvassed and declared by the treasurer and
42 secretary only. A fair list of the persons and number of votes given for
43 each, together with the returns of the presiding officers, shall be, by the
44 treasurer, secretary and comptroller, made and laid before the general
45 assembly, then next to be held, on the first day of the session thereof.
46 In the election of governor, lieutenant-governor, secretary, treasurer,

47 comptroller and attorney general, the person found upon the count by
48 the treasurer, secretary and comptroller in the manner herein
49 provided, to be made and announced before December fifteenth of the
50 year of the election, to have received the greatest number of votes for
51 each of such offices, respectively, shall be elected thereto; provided, if
52 the election of any of them shall be contested as provided by statute,
53 and if such a contest shall proceed to final judgment, the person found
54 by the court to have received the greatest number of votes shall be
55 elected. If two or more persons shall be found upon the count of the
56 treasurer, secretary and comptroller to have received an equal and the
57 greatest number of votes for any of said offices, and the election is not
58 contested, the general assembly on the second day of its session shall
59 hold a joint convention of both houses, at which, without debate, a
60 ballot shall be taken to choose such officer from those persons who
61 received such a vote; and the balloting shall continue on that or
62 subsequent days until one of such persons is chosen by a majority vote
63 of those present and voting. The general assembly shall have power to
64 enact laws regulating and prescribing the order and manner of voting
65 for such officers. The general assembly shall by law prescribe the
66 manner in which all questions concerning the election of a governor or
67 lieutenant-governor shall be determined.

68 Sec. 3. Section 9 of article third of the Constitution is amended to
69 read as follows:

70 At all elections for members of the general assembly the presiding
71 officers in the several towns shall [receive the votes of the electors,
72 and] count and declare [them] the votes of the electors in open
73 meeting. The presiding officers shall make and certify duplicate lists of
74 the persons voted for, and of the number of votes for each. One list
75 shall be delivered within three days to the town clerk, and within ten
76 days after such meeting, the other shall be delivered under seal to the
77 secretary of the state.

78 RESOLVED: That the foregoing proposed amendment to the
79 Constitution be continued to the next session of the General Assembly

80 elected at the general election to be held on November 2, 2010, and
81 published with the laws passed at the present session, or be presented
82 to the electors at the general election to be held on November 2, 2010,
83 whichever the case may be, according to article sixth of the
84 amendments to the Constitution. The designation of said proposed
85 amendment to be used on the voting machine ballot labels and
86 absentee ballots at such election shall be "Shall the Constitution of the
87 State be amended to authorize voting in person on a day or days prior
88 to the day of an election and by absentee ballot for individuals unable
89 to appear at a polling place as a result of care-taking duties, of active
90 service in the armed forces or for required performance of duties as a
91 primary, election or referendum official in a polling place other than
92 their own?"